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THESIS

"IN LOCO PARENTIS:"
THE RESPONSIBILITY OF THE COMMONWEALTH OF MASSACHUSETTS TOWARD HER CHILDREN

Submitted by

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OUTLINE

Chapter 1 Introduction

A. Meaning of the Title

"A person standing 'in loco parentis' to a child is one who has put himself in the situation of a lawful parent by assuming the obligations incident to the parental relation, without going through the formalities necessary to a legal adoption, and the rights, duties and liabilities of such person are the same as those of the lawful parents."[1]

This paper is no brief for the theory that all children are better off taken away from their own parents and placed under state control. We do not hold with Watson[2] that the ideal of the future is trial marriage, life in an apartment house with the children cared for by trained experts entirely away from the home. It does not seem possible that any real social worker can sanction that philosophy. Surely experience with unfortunate children makes us realize that more effort must by made to prevent the broken home and the separation of parents and children. Fortunate is the neglected child who can hold to some scrap of a happy memory to idealize as he is forced to combat the abnormal situation in which he finds himself after becoming a ward of some philanthropic organization.

"The deepest yearning of the child heart is for family kinship."[3]

1. Corpus Juris Vol. 46 Sec. 174 P. 1334 Persons in Loco Parentis Generally
2. Watson, John B. After the Family - What? in The New Generation P.55-73
3. Reeder, R.R. The Place of Children's Institutions. The Survey Jan. 15 1929 P. 483

How can it be otherwise with the biological set up we have throughout practically the whole of life from the lowest to the highest, and when with human beings it is possible to add to the biological foundation which is necessary to create a new personality, an economic, social, moral and religious superstructure, the result is an ideal home which is the best product of all our civilization. But no society is perfect. Individuals, families and communities fail to fulfil their obligations both to themselves and to others, and there is always a percentage of folk that must become dependent in one fashion or another, Just as the King in olden times was considered as the father of all his people, so now that same responsibility has been transferred in our American government to the Commonwealth and we find the "Rights of State" defined thus: "The State has an interest in the welfare of children and the authority to protect them, their primary control and custody is with the government, the state standing in the relation of parens patriae."[1]

It is the interest our own State of Massachusetts takes in her children and the manner in which she assumes the responsibilities of a parent, that I wish to describe.

1 Corpus Juris Vol. 46 P. 1222 P. 8 Rights of State.

B. The Beginnings of Dependency in Massachusetts.[1]

The early settlers of the Massachusetts Communities brought with them, naturally, English ideas of charity. Up to the time of Elizabeth, poor people, worthy and unworthy alike, were relieved by private almsgiving through the monasteries, hospitals, guilds and wealthy individuals. But this indiscriminate giving, together with the changing economic conditions, resulted in such an amount of pauperism that the people came to realize that the burden was a public one, and without doubt, a permanent one. Thereupon the poor were classified, laws passed and most important of all, the money for relief raised by direct taxation. The burden was very heavy, and our ancestors, in making a new and better England, were determined that there should be no voluntary poverty here. In spite of every effort made to keep undesirable or dependent persons from settling in the towns, however, they came and stayed, and the colonists naturally assumed their support according to communities, The question was not whether a person was to be supported, but what town should support him. Our whole modern law of legal settlement is a result of various regulations to determine territorial responsibility for the public relief of needy persons.

People were helped to complete homes; in place of money a cow was sometimes loaned to a struggling family for awhile. Finally the poor were bid off at public auction, adults and children alike, and sometimes all were contracted for by one person. This method at last

1. Kelso, Robert W. The History of Public Poor Relief in Massachusetts. 1620-1920

developed into the municipal almshouse for those who could claim residence (that is "legal settlement") in the town. Besides the town almshouses, there were, by 1854 three State almshouses for unsettled people, at Tewksbury, Bridgewater, and Monson, and a fourth for aliens at Rainsford Island. These were supported by funds and managed by boards appointed temporarily by the Legislature, and it was not until 1863 that the first permanent Board of State Charities was organized, called from 1919 on, the Department of Public Welfare. Children were herded in these almshouses along with the old paupers, the sick, the insane and even the criminal.

The next step, which took ten years to accomplish, was the segregation of the children. They were all put in the Monson Almshouse, which in 1866 was named the State Primary School, but it was not until 1872 that all the adult population was removed and the institution was maintained solely for children. Without going into the ever lively discussion as to the better way of child care, whether the institution or the foster home, suffice it to say that in 1882 Massachusetts began placing out her children from the Primary School by the method of indenture and a few years later was completely won over to placing in the community as the superior plan. The School was closed in 1895, and since that date there has been no institution for normal children.

Chapter 11 The Present Work of the State Department of Public Welfare;

A. Classification of Children.

The Commonwealth, through its Division of Child Guardianship of the Department of Public Welfare, stands "in loco parentis" to approximately 6500 children.[1] These come into the care of the state in three ways: the majority divided practically evenly into the two groups of dependency and neglect, and the remaining few adjudged delinquent because of their own misdemeanor.

1. Dependency; The law[2] very simply says that "the department may provide for the maintenance of a child under the age of 21, dependent on public charity upon written application of the parent or guardian, or a friend, or of the overseers of the poor of the town where such child is found." This implies no culpability of the parents. The main causes of dependency as our department has analyzed them[3] are death or illness, either physical or mental, of the mother, with a small percentage due to her desertion or commitment to the Reformatory for Women. The incapacity of the mother is accountable for 85% of our dependency, with the need of special care for the child and other miscellaneous causes counting 15%.

1. Statistics for year ending Nov. 30, 1931

2. General Laws Chapter 119 Section 38

3. Annual Report of the Department of Public Welfare 1929. P. 18-19

Some examples will illustrate this point of dependency more clearly.

Four children[1] from the ages of nine to fifteen were taken by the Department of Public Welfare from a local Board of Public Welfare because of the death of both parents. The mother and father were good people, had acquired a settlement, worked steadily and were buying their home, when one day, almost without warning, the man became involved in a quarrel, and was instantly killed. The woman was given mother's aid but five years later became ill and died. With no relatives able to help, what else was there to do with the children but ask the state to place them?

Another more recent case[2] shows a mother developing tuberculosis at the time of the birth of her latest child, just a few weeks ago. There are four other children well cared for by the father who is out of work, but who can do a good job in his own home and is therefore aided by the town, while the mother is sent to a Sanatorium and the new baby placed with the State, probably temporarily as the mother seems to be a hopeful case for recovery and subsequent return to her home.

Here is one[3] involving the incapacity of the father rather than the mother. He is insane in a hospital in a distant city. The mother and four children live near Boston and can manage all their affairs with the exception of the care of the youngest, a

1. Record #16745 Division of Child Guardianship

2 Record #22026 Division of Child Guardianship

3 Record #21846 Division of Child Guardianship

boy of four. The mother and fourteen year old girl work in a laundry, earning jointly $75. a month and part of their meals. A thirteen year old girl stays in a nearby town with a maternal relative during the week and returns home for the week-end. An eleven year old girl cared for herself during the day in the mother's home. She had formerly stayed out of school to care for the little brother until he was accepted by the Division of Child Guardianship.

An abnormal child[1] in the home often proves to be the last straw. Here is a family with six normal children from eighteen to eight years of age. The father formerly was a steady worker averaging $48 a week. Then in 1925 he was out of work several weeks and also had a baby boy born with a spina bifida. The child was operated on and developed hydrocephalis. The father has now been ill for nearly two years with cramps of the heart, leaking valves, high blood pressure and a probable cancer in his neck. The oldest boy works when possible and the mother receives aid, but even then needs to be relieved of the care of her helpless and hopeless six year old child.

Whenever possible, a parent is expected to reimburse the Commonwealth for the support of the child or children, and when the parent is unable to do so, and the child has a legal settlement, the place of settlement pays the bills. When there is no legal settlement, and no one available with the right to sign a section 38 blank, a child may be committed to the Department by the local

1. Record #21499 Division of Child Guardianship

Board of Public Welfare or the Superintendent of the State Infirmary, under Section 22 of the General Laws. This, although termed a commitment, comes under the general classification of dependency.

Here is a girl[1] whose mother died of tuberculosis when her baby was a year old. Her father left her at board in a private home but he was alcoholic and unreliable, and after awhile failed to pay her board and the foster mother finally became financially unable to support the child who was then nine years old. For seven months after the original application was made to the State by the foster mother, the investigating department made continuous efforts to locate the father. He was once found and was persuaded to pay something toward the back board, whereupon he immediately disappeared again. Then a warrant was taken out for non-support and he was eventually arrested, fined $100 and given a suspended sentence, but he absconded and has managed to keep himself in parts unknown as far as this daughter is concerned. Thereupon the only method of caring for the unsettled child was commitment to the State by the local Board of Public Welfare, but such a simple statement may imply weeks and months of previous investigation to prove this is the only thing to do.

A mother abandonned her second illegitimate child,[2] leaving it in a private home and failing to continue her board payments. After several months the boarding woman appealed to the local Board of Public Welfare and the child was committed to the State. An investigation finally located the mother. She began to reimburse

1. Record #14906 Division of Child Guardianship

2 Record #19401 Division of Child Guardianship

the State for the board of the child, was found to have a legal settlement, and then requested that the child be returned to the home in which she had first placed him, promising to assume the whole financial responsibility. This was done, and if the mother again fails in her payments, the child can be accepted on a Section 38 basis because of the acknowledged settlement.

2. Neglect. A neglected child is one under sixteen years of age who "by reason of orphanage or of the neglect, crime, cruelty, insanity or drunkenness or other vice of its parents, is growing up without education, or without salutary control, or without proper physical care or in circumstances exposing him to lead an idle and dissolute life, or is dependent upon public charity."[1] The main point in cases of neglect is to prove the culpability of the parent. This is done through the local court, or in the city of Boston, through the juvenile court. In each case one or both parents are summoned if their residence is known and there is always a state representative present to show cause who such child should not be committed to the Department of Public Welfare. In case of a neglect commitment, a city or town is not liable to the State for the support, even though the child has a legal settlement in that city or town. A good illustration of the necessity for the presence of a state agent in court is seen in the famous Dee case.[2]

Both parents were born in Ireland and the father never had a settlement in Massachusetts, but the mother , and therefore the

1. General Laws Chapter 119 Section 42
2. Record #5486 Division of Child Guardianship

children, obtained a settlement in Worcester through her father. Mr. Dee died in New York in July 1911 and his wife was left with no property, but with two children, William three years old, and Sarah, fourteen months. The mother left William with her sister in New London Connecticut, and returned to Worcester securing work with her younger child, The sister became ill and the mother was obliged to take William also. She was unable to get a position with two small children and so was temporarily supported by friends. In January 1912 she applied to the Overseers of the Poor and, together with her two children, was placed in the local almshouse, staying until April of the same year. Then work was secured for her in Westboro, where she was allowed to have Sarah, the baby, with her.

When Mrs.Dee was first admitted to the almshouse, the overseers applied to the state to accept the two children. An investigation was begun, but before it was completed, the overseer made a complaint of neglect against William, who had remained in the almshouse after his mother went to work, and in May 1912, the judge committed him to the State, contrary to the approval of the Commonwealth. The State agent appealed the case, contending that being merely "dependent on public charity" does not constitute neglect, and the court found that the law must be read as if sub-divided as follows:[1]

"A police, district or municipal court, or a trial justice, upon a complaint made by any person that any child under sixteen years of age within its or his jurisdiction, by reason of

(a) orphanage, or

(b) of the neglect, crime, cruelty, insanity, or

1. Commonwealth Vs Dee, 222 Mass 184

drunkenness, or other vice of its parents,--

(1) is growing up with out education,

(2) or without salutary control,

(3) or without proper physical care,

(4) or in circumstances exposing him to lead an idle and dissolute life,

(5) or is dependent on public charity, may issue a precept,etc.

In other words, this last phrase, as all the others, must be caused by (a) or (b). William was not neglected, and no accusation could be proved against his mother except her poverty and inability to secure work.

In May 1912, the case was heard in the Superior Court and won by the Commonwealth on March 11, 1913, whereupon the City Solicitor of Worcester appealed from the decree of the Superior Court, and the case was taken to the Supreme Judicial Court, sitting in Worcester, and finally won by the Commonwealth in October 1915. The City of Worcester was obliged to pay the bills presented by the State for the board and care of William from March 11, 1913, the date of the Superior Court finding, and subsequently as long as the child remained in the custody of the State. The mother had always kept Sarah with her and cared for her well. She later remarried and William was returned to her and discharged.

The main causes of neglect are immorality, intemperance, desertion, and mental defect, and most cases show these things in combination rather than singly.

"The parents have the natural right to the custody of their children but the parent has no property right in the child, nor is his or her right absolute, but is subject to judicial control when

the safety or interest of the child demands it, and must yield where the real and permanent interest of the child demands a different disposition. The rights of the parents are, however, entitled to great consideration, and the courts should not deprive them of the custody of their children without good cause."[1]

A father died, and a mother of weak character drank, and lived illegally with a man who also drank, An effort was made to straighten out the mother by committing three children to the Department if Public Welfare temporarily for three months,[2] and allowing her to keep one boy. When the time was up, that child, with the three others, was committed permanently to the State. Practically nothing was heard from the mother for over six years, when she was again in court with the same man for lewd and lascivious cohabitation. He was given one year in the House of Correction, and she was given two years at the Reformatory for Women. One illegitimate child was already in the care of a private society and had never been in the custody of the State; at the time of the mother's sentence, two other illegitimate children were committed to the department. Of the six children of the woman, who became State wards, one girl graduated from high school and from the Deaconess Hospital (including a course at Simmons). Another girl, after high school, worked in a doctor's family, learning electrical appliance work in his office, and the third girl is now doing well in high school, and is considered a superior girl. Of the three boys, one graduated from high school, and was working for the B.& M. Railroad when he became of age, one had rather a poor disposition and did not get on well in school but worked steadily on a milk farm

1. Corpus Juris Vol.46 P. 1222, Par. 9c. Custody of Children etc.
2. Record #7089 Division of Child Guardianship

for seven years before his majority, and one died at the age of three, soon after his commitment, of diptheria and pneumonia.

In another case,[1] both parents were living but separated, the mother being immoral, and the father alcoholic, with a court record for Assault and Battery. The children were poorly cared for and were irregular in school, and the house was in wretched condition. There were six children in this family also, four girls and two boys. One girl married well, one graduated from high school and was training for a nurse at twenty-one, one is a sophomore in high school, and one in the 8th grade, both doing well; the older boy was killed in an automobile accident while in messenger service, and the other one joined the Navy.

3. Delinquency and Waywardness.

A small, but rather important group of our children come to us through the Court, because of their own misdemeanor.

"A delinquent child" is one "between seven and seventeen who violates any city ordinance, or town by-law, or commits an offense not punishable by death or by imprisonment for life."[2]

"A wayward child " is one "between seven and seventeen years of age who habitually associates with vicious or immoral persons, or who is growing up in circumstances exposing him to lead an immoral, vicious, or criminal life."[3]

The latter classification of a child is very little used, as the only disposal the Court can make is placement in the care of a probation officer, or considering the case as one of a neglected child. But in the matter of delinquency the department, if such child

1. Record #15713 Division of Child Guardianship

2. General Laws Chapter 119. Sec. 52

3. Ibid

is sent to its custody, is empowered to commit him, if he proves to be unmanageable, to an industrial school without further court action.

It is always a question whether the element of neglect does not figure as much with these unfortunate children as delinquency but when a child has actually committed some offense grave enough to warrant court action, it often makes the future care easier if the department has as much authority as possible over him.

Mary[1] was committed as a delinquent girl shortly before her seventeenth birthday. There was a stepmother in the home, and a difference of religion, causing much quarreling, and the girl claimed to be very unhappy because she was badly treated. At any rate, she had run away from home, and had kept company with a married man, although there had been no physical immorality. Mary had left school at fourteen and had worked spasmodically. When received into our custody, although nearly seventeen and only ready for seventh grade, she was returned to school and completed three years of high school.

She was no behavior problem and remained in one foster home for the four years in our care, going to the Cape with the family each summer. Just before her twenty-first birthday, she secured a job for herself at good wages, to earn sufficient money to enter training in a hospital where her application had already been accepted.

Another little girl[2] was committed to us at the age of nine for stealing. She was in wretched physical condition, coming from a family of nine children, one of whom had previously been sent to the

1. Record #15781 Division Child Guardianship.

2. Record #18219 Division Child Guardianship.

Lyman Industrial School for the same offense. This child has been in the same foster home for five years and has always been honest and well behaved.

It is not always so easy to adjust a child who is removed from his or her own people. R[1] was committed at the age of thirteen on a complaint of stubborness. She was a bad bed-wetter, a runaway, and stole from her home. She was of border-line mentality, different from all the other children, and her father tried to whip her into line. Her habit of eneuresis continued with us until she was nearly sixteen, and she was stubborn and more or less troublesome in several different homes. Finally she straightened out into quite a nice girl and earned wages at housework, which she disliked exceedingly because of natural slackness. Her family were perfectly respectable people and suggested her returning home and working in the mill, which she did at the age of seventeen. She has held the same job and has been a help in her parents' home (where there are seven younger children) for four years, and is now about to become of age,-- an attractive, nice girl, with a bank account of over $50, saved over four years ago, but which she has wanted us to hold for her since she has been at home.

1. Record #15782 Division of Child Guardianship.

B. Foster Home Care.

" Home life is the highest and finest product of civilization. It is the great moulding force of mind and character. Children should not be deprived of it except for urgent and compelling reasons."[1]

" The carefully selected foster home is for the normal child the best substitute for the natural home."[2]

1. Early Efforts. It was undoubtedly ideas embryonic but similar to these that in 1867 inspired Dr. Samuel Gridley Howe, Chairman of the Board of State Charities, and Frank B. Sanborn, its Secretary, both famous men in the public welfare history of Massachusetts, to begin the public "placing out" system, so well developed in our state during these last sixty-five years that it is often referred to as the "Massachusetts Plan."

One strong reason for private home care was the marked decrease in the mortality rate. In the old days the infant death rate in an institution such as Tewksbury or St. Mary's Infant Asylum, was sometimes nearly one hundred %. The first year of boarding out infants from Tewksbury reduced the percentage of deaths from ninety-seven to fifty % and the second year to thirty%.[3]

1. Proceedings of the Conference on the Care of Dependent Children. Held at Wash. D.C. Jan 25-26, 1909. P. 192
2. Ibid. P. 193
3. Mass. Care of Dependent and Delinquent Children 1893 (Pamphlet)

The infant death rate for Massachusetts generally was six % in 1930 while that of the State's infant wards during that year was four and one tenth % and for this last year three and three tenths %, the lowest ever recorded.

The very early placing was limited because entirely free homes were all that could be used. Many children were not desirable from the point of view of either love or service, but it was not until 1882, fifteen years after the classical second report of the Board of State Charities, written by Dr. Howe, that the legislature empowered the State to pay board for children placed in homes. The method of placing out by the State was finally crystalized in 1900 by the passage of a law making it obligatory. Today the term foster home is used to include boarding, free and wage homes.

2. Laws and Policies. Some laws and policies have been fairly well developed during these years of practice.

"The general rule is that an infant is to be brought up in the religion of the father, unless it can be shown to be for the welfare of the child that this rule be departed from."[1]

Similarly, but more especially to the point in hand,.... "no minor child in the care, or under the supervision of the department.... shall be denied the free exercise of the religion of his parents, or of his surviving parent, or of his parents if they are both deceased, nor the liberty of worshipping God according to the

1. Corpus Juris Vol. 46 P 1222 P 7.(4)

religion of his parents, whether living or deceased."[1]

Hence, every effort is made to ascertain the religion of the parents of a child, the father being considered the head of the family and in his absence, the mother having the right of decision. In the case of foundlings, one is made a Catholic, the next a Protestant, on what is called the "alternate list." To insure his proper religious instructi n, a child is put in a home corresponding to his own faith, and homes of mixed religion are not used.

Families of children are kept together in so far as possible. If six or eight children cannot be placed in the same home, and usually that would be too great a burden for one foster mother, a division is made in such a manner that the children may keep in touch with, and occasionally see each other. Not more than four unrelated children are placed in the same home. Unrelated boys and girls are not placed together, except in a very few instances where there is at least five years difference between the sexes. No girl is placed in the home with an older boy or unmarried man. All types of communities are used throughout the Commonwealth, except the most isolated and the most congested.

3. Classification according to age. For the benefit of the child, and the most satisfactory division of labor, there is a classification according to age. Up to three years, children are in what is called the infant department and are placed in homes expecially adapted to the care of babies and accessible to Boston,

1. General Laws Chap. 119 Sec. 40

and are visited monthly by trained nurses. At the age of three a child is transferred to the "boarded children department" and a woman visitor from that group places him in another home, more suitable for an older and more active individual. A second change in supervision but not in home, comes at the age of twelve, when a girl is transferred to the visitors for older girls and a boy to the men visitors for older boys. A change of home often does come in the next few years, however, because of the necessity of the child obtaining free board or wages. There is no hard and fast rule and occasionally a child stays in the same home from infancy to maturity, winning a permanent place in the hearts of the foster parents, but usually different types of people are interested in the different ages. Visitation is at least four times a year.

Although the Massachusetts law requires a child to attend school, either regular day, or continuation, until his sixteenth birthday, the visitors begin to look for a part free, free or wage home for boys and girls after they are fourteen. The children differ in mental and physical ability and this last year the economic conditions have made it more difficult to discontinue board, so the last statistics show that on November 30, 1931 nearly one third of the total number of boys and girls fourteen and over were being boarded and clothed. In the budget of almost a million and a half dollars spent by the Division of Child Guardianship alone scarcely 12% is used for salaries. The rest of the money is for the supervision and support of the children themselves, which besides actual

maintenance, includes medical care and tuition.

4. The Visitor. This foster home plan means, of course, constant work of supervision by trained and experienced visitors. It is his or her responsibility to place the child to advantage, enlist the cooperation of the foster mother, visit the home and the school, inspect the bedroom and clothing, talk with foster parent and child, arrange for dentistry, medical care or psychiatric examination, discuss home duties, leisure time and social activities, solve behavior problems, make an educational plan with an eye to future self support, find employment, attend a wedding, arrange a funeral: in short, be prepared to do anything and everything a human being may need. A worker who can do all this without the ward becoming too conscious of being a public charge, but feeling rather that his circumstances are natural, approaches the ideal, but it can only be accomplished, of course, through coordination of visitor, home and child. The State program is planned so economically that each visitor is obliged to carry too large a case load, but even this pressure of work has the advantage that more responsibility is put on the foster home, thereby making the child's circumstances more rather than less normal.

5. Adoption work. A small but most interesting and satisfactory part of this child placing work is that done by the adoption agent. Previous to 1915, the law provided that the department could accept infants from their parents for the purpose of adoption, but as this seemed to imply that the state sanctioned the separation of mother and baby, it was done away with, and since

then such dependent children have been cared for under Section 38 of the general law, previously described, or have applied to some private organization. This change in the law decreased our supply of adoption material and the number of adoptions dropped rapidly, from 70 in 1915 to an average of 27 yearly in the last five years. If there is a desirable child with no one who has a legal claim or even interest in him, he can be placed on trial for adoption, but with the ever increasing scientific knowledge, the state is not now willing to offer children about whom undesirable facts are known. There are always more applicants than children. Now, every child has a mental and physical examination and the latter includes Wasserman and Von Pirquet tests and a smear for gonorrhea. TP Occasionally an adoption is the result of regular boarding placement and in that case is allowed rather than recommended when all the known facts are explained to the adoptive parents who still insist on taking a chance that their love and care will overcome adverse circumstances. And who can tell? Heredity and environment are factors to be considered with equal seriousness, but who knows just when or why the one wins out over the other? TP There is an interesting story of two successful adoptions into the same home. Several years ago a prominent business man and his wife applied for a little girl and were given a child who although attractive had some taint in her history. She was adopted and did so well that later the parents returned for a boy. This time they insisted on taking a foundling, because although the girl was entirely satisfactory, they were always thinking of this undesirable trait in her own mother and were looking for its reappearance in the child. Of course the foundling was normal in so far as any one could tell. Both children have turned out exceptionally well, and strange to

say they have both shown unusual musical ability.

6. Standards of foster homes.

There are certain standards of foster home placing generally which may be mentioned: - economic, physical, educational, social, moral and religious. Homes are not all on the same level and it is not desirable that they should be, but in whatever social class a home falls, it should be on a sound economic basis regardless of the board to be received. There should be cleanliness and orderliness, although even these are of relative value and must be considered in connection with the foster parents' personality which is of paramount importance, together with the reasons for taking a child. Sufficient space for the members of the family, adequate furniture, sleeping conditions, toilet arrangements, and so on, these are the physical aspects of a home. The educational attainments of the family are important to consider but of more significance still is what the people can offer a child, either within the home itself or in the neighborhood, through the schools, clubs and community activities. The educational interests overlap the social and so on to the moral and religious ideals and contacts. All of these phases of life are most important in considering the standards of a foster home and should be positive and constructive, yet on the whole more conservative for foster children than for own children. The personnel of the family, the personality of the various members and the motive for desiring a foster child, these are the more intangible things to consider.

People have been known to apply for a child in order that one's false feet may be more easily put on and off, or expecting that a little girl in the home will keep straight a foster mother addicted to occasional sprees, but these are hardly convincing reasons for placement.

In short, a good foster home must contain all the elements of any good home and in addition, must be free from abnormalities which one sometimes has to overlook in one's own.

7. Foster Home vs. Institution.

Massachusetts was the first state to care for its wards in an institution especially for children; it was also the first state to provide a placing out system at public expense. Having changed the policy completely from the first to the second, it is well to consider some of the reasons. There is no stronger one, I think, than that expressed by Dr. Howe in the second annual report previously mentioned, when he says:[1] "The family has been called the social unit. It is indeed the basis without which there will be no real society, but a multitude of individuals who harden into selfishness as they grow older. By means of the affections growing out of the family, the individual is divided into many; and the interests of others are felt to be his own.....God not only 'set the solitary in families' and made 'blood thicker than water' but seems to have ordained that the natural institution of the family, growing out of kindred, and long familiar intercourse, must be at the foundation of all permanent social institutions, and

1. Second Annual Report of the Board of State Charities of Massachusetts. 1866 P. 45

that by no human contrivance should any effectual substitute be found for it."

A home is more than food and shelter and education, and without too much sentiment, it is safe to say that it is the "more ness" that is important; the family relations, the feeling of security, the interplay of pleasures and sacrifices, the affection and responsibility, all these intangible things that make it really home. If a child loses a good home or if his own original habitat is so wretched that he must be removed from it for his own good, why not give him a natural substitute- another home - where he can, in some measure at least, acquire these valuable feelings and relationships. The right kind of a foster home makes for happiness and the development of personality. The ideal is for a child to be so placed that he is absorbed into the community to such an extent that every one practically forgets his fosterage. Fault may be found with this or that home but if average standards are used, it is no greater criticism than must be made of the community in general. Perfection exists nowhere.

Institutions tend to "institutionalize" rather than to develop individual personality. The best institutions realize this and expend enormous effort to offset an inescapable tendency. They develop a "cottage" system, with a house mother and sometimes a house father, devise all sorts of schemes in an attempt at "homelikeness", but it is not a home and never will be. Again, why such an effort when the original is available. Institutions

may fill a real need for temporary care or special study, but not in the permanent housing of children.

Another but exceedingly important argument, especially in a State program, is the matter of expense. Placing out is cheaper than institutional care and state placing is cheaper than private. Massachusetts cares for thousands of wards in foster homes at a per capita cost of not more than $6 per week.

There will always be wealthy people interested in special philanthropies and willing to spend millions for their pet schemes, but more and more, I believe, should there be consideration for the greatest good of all, and money diverted into public channels in an all inclusive program of dependency. "The heart never needs the guidance of mind more than in the direction of charitable impulses."[1]

1. Second Annual Report of the Board of State Charities of Massachusetts 1866 P. 41

C. Mother's Aid.

Undoubtedly one of the results of the first National Conference on the Care of Dependent Children, known as the First White House Conference (1909) was the idea which spread throughout the country that widows need not be separated from their children merely because of poverty, but could be subsidized in their own homes. In 1911 Mother's Aid measures were enacted in Missouri and Illinois. Massachusetts was one of eighteen states to pass similar laws in 1913, and now nearly every state and territory in the Union has some sort of legislation providing means for children to be kept with worthy mothers. In only a few states, however, is the administration with public relief officials where it belongs, but many have made the mistake of putting it in a court with juvenile jurisdiction, although it is a matter of government administration rather than justice. It is of necessity a form of public poor relief, and should be handled as such although every effort may be made to protect the feelings of the recipients, and to avoid pauperizing them.[1]

In Massachusetts the law was simply but clearly formulated, and has worked most satisfactorily for a long enough period to justify its need. Two classes of mothers are eligible: widows, who constitute three fourths, at least, of the cases, and women whose husbands are totally incapacitated, either by insanity, fatal tuberculosis or some such disease, or when there is desertion of a year or more's standing with a warrant out for the husband's

1. Kelso, Robert W. The Science of Public Welfare P. 206-207

arrest. Very rarely is a mother with an illegitimate child aided. Cases known to be temporary are not accepted. Settlement is not a requisite, providing there has been continuous residence within the state previous to the application. The mother must also be worthy and in need and have children under the age of fourteen, furnishing proof of her claims. Every application is made to the local Board of Public Welfare and registered in the Central Index, a state wide exchange for registering all social work public or private. A local worker visits the mother in her home, checks the information given and presents the facts to the city or town board. If accepted, aid is given, and the case transferred immediately to the State Department of Public Welfare, Subdivision of Mother's Aid. Thereupon a state worker visits the family and makes an independent investigation. In so doing there is a check on local administration and a gradual education in what good social case work and adequate relief really are. Too often the cities and towns have been accustomed to a fixed sum, regardless of circumstances. The matter of settlement, although not pertinent to the question of giving aid, is most important in determining the responsibility of the final payment of the bills. Where there is a legal settlement, the state reimburses the city or town one third of the aid given, and in unsettled cases, the state pays the total amount. A mother is eligible although she has two hundred dollars in cash or twelve hundred dollars equity in real estate, providing the total assessment is not in excess of three thousand dollars, but she is

not allowed to use her husband's insurance money to buy a house, and insurance as a private investment is not permitted.

Mothers must be fit to bring up their children and must have suitable homes including the personnel of the family. Male lodgers, excepting a woman's father or brother, are not allowed. The amount of aid should be adequate to a suitable standard of living for the particular family in question, and in every case a budget should be made.

Often there is some income from relatives, the renting of rooms, earnings of the older children, or the mother herself may be allowed to work part time, and the difference between the budget and the income, represents what the family needs. Cash aid is usually given except when the mother is incapable of handling the money, and in that case provisions are sent in. Medical aid is always given in addition, and there is also a burial allowance.

On December 1, 1931 there were two thousand nine hundred and eighty two cases being aided, at a total expenditure for the year of over three million dollars.

D. Laws regarding the Care and protection of Children.

Aside from the thousands of children who are actually in the custody of the Commonwealth and those who can remain with their own mothers with subsidy, there are still thousands who

because of various unnatural circumstances need some protection by the State. Even before a child is born the state makes some provision for him and one of the duties of the Department is the licensing of the maternity hospitals. The first thirty sections of the Chapter of Laws[1] devoted to children deal most particularly with the care of infants living away from their natural parents. The department grants licenses to maintain boarding houses for infants, the application being first approved by the local Board of Health, (except in the City of Boston.) The license is good for one year only and must give all details of the arrangement. Annual inspection of both the department and the board of health is necessary, and the department has the authority to revoke a license if advisable.

Two or more children under the age of two, boarding in a home unattended by a parent or guardian or unrelated to the foster mother, constitute a "boarding house for infants," which means that a woman must have a license for even two babies to board in her own home, and unless she runs a regular institution so designated and permitted, she can never have more than two at one time. Every baby placed for compensation with any person other than a relative must be reported to the department by the person who places him and the one who receives him.

It seems that every precaution has been taken to prevent "baby farming" but it is still necessary for the state

1. General Laws Chapter 119 Sec. 1-30

nurses accustomed to this sort of evil to be very vigilant. True stories are sometimes hard to believe, but the following is one of the experiences of the department.

A private hospital reported to the state that one of their nurses had been refused admission to a boarding woman's home where an eighteen month's baby who had been under treatment in their hospital had been returned. The state nurse who had known something of the woman called immediately, was admitted and shown the child, who, she said, was the only one there. She had formerly had two other babies, but they had been taken by their mothers and she would never again break the law and take a second child without a license. A few days later a second complaint came to the office and on this occasion two nurses called and were told a plausible story which they had no way of disproving. The next week a mother who had taken her baby away from the home because of its poor condition, reported having seen eight babies in the house; so still another call was made by the two nurses, with the authority from the Director to search the house. After waiting sometime, they were admitted and found the babies scattered throughout the house with different lodgers and the woman's daughters who, of course, claimed the babies as their own. On the top floor they found locked rooms and were refused admittance although babies' cries could be heard.. The next day a warrant from the police station was obtained and the house visited by a sergeant from the police, with a lawyer and nurses from the

department. In two rooms on the top floor nine infants under eighteen months were found and throughout the house were fifteen more children, twenty four in all, eighteen of them being under the age of two years. One died in forty eight hours of starvation, one within a week of pneumonia and one within a month of malnutrition; a fourth was said to have died on the train with the mother. Four more were admitted to the hospital and recovered after several weeks. Others were taken by relatives or put in reputable boarding homes and properly supervised.

The woman was tried and sentenced to fourteen months in jail; six months for not reporting to the State; six months for keeping an infant boarding home without a license and two months for violation of the True Name Bill. More than half of these children were illegitimate and the others belonged to parents who were separated or both working. The supply of milk taken daily was two quarts, with "more bought as needed."

Even up to the age of seven, if a child sheltered apart from his parents is believed to be improperly cared for, he can be removed by an agent of the department expedially authorized by the director of the division of child guardianship.

Regardless of age, every child boarded by a city or town is visited yearly by the state department workers, and reports made. This last year some eleven hundred "town cases" were thus supervised.

E. Supervision of Private Charities.

Reaching still further out from the care of the State's own wards and beyond mother 's aid and the protection of other children living away from their own homes, all of which deals with the individual child, is the supervision of private incorporated charities which are maintained for the care of children. These children may live in their own homes or be maintained away from home either institutionally or in a placing out system. Under General Laws Chapter 180, Section 6, the Secretary of State refers to the subdivision of private incorporated charities of the department all applications for incorporation of societies for charitable or other purposes whereby they may have tax exemption. An investigation must be made by the department, hearings given, and the results reported to the Secretary of State, who grants or refuses a charter.

Every charitable corporation in the commonwealth must make to the department an annual financial return and failure to do this for two successive years gives ground for the Supreme Court to decree its dissolution.

The third duty of this subdivision is the annual inspection of incorporated charities, but only at their request or with their consent. In the matter of obtaining a charter or of accounting for its expenditures, every charity is under the closest scrutiny by the commonwealth, and some good may be done the recipients and the commonwealth by the care taken at the very

beginning of organization or in making public the manner in which the funds are spent. The department never endorses any charity, but people interested in investing large sums in private philanthropy may obtain the figures of expenditure of various societies, or the results of inspection, and make their own interpretations.

In this way the public is gradually educated to invest their money where they will receive the best returns, and by kindly supervision and friendly advice given by experts who are in a position to survey the whole state and compare its needs with the various methods of caring for its dependents, the individual charities may be improved. The ideal is always that through coordination and cooperation all may be served. One hundred and forty six of the twelve hundred and fourteen charitable corporations which made financial returns to the department during 1931 are child helping agencies, and of these approximately all were inspected.

F. Institutions provided for Crippled and Delinquent Children

Four such institutions are supported from the appropriation and come under the direct supervision of the Department of Public Welfare; the Hospital School for Crippled Children and three Industrial Schools.

Although in many states there are special classes and even special schools for crippled children, or provision is made for their care in a hospital ward, Massachusetts is the only state so far to combine these two types of care in a hospital

school. Children of school age, mentally capable of learning but so physically handicapped that they cannot compete with normal children or even attend a regular school, are admitted to this institution in Canton foryears of expert care and training. The school is on the cottage plan, with ample space and buildings built especially for the convenience of cripples. Academic education is given slowly and for only a short period each day, as much time is devoted to the manual arts and all types of vocational training and also to out of door sports and activities. Resident physicians who have given their lives to the study of the diseases which cause deformity are constantly working for the physical improvement of these handicapped youths. The results are that many of the graduates of the school are able to earn an honest living and even take their place in the competitive business world. Instead of becoming a beggar or an almshouse inmate, a cripple in Massachusetts, if he has even mediocre mentality, may become a self respecting and self supporting citizen. One graduate of the school received a degree from a western university and then returned as head teacher of the school.

A boy who came from very poor people has always been entirely dependent on a wheel chair and as his hands are helpless he writes by holding something in his mouth and punching a typewriter. He furnishes some copy for a newspaper and at times helps his brother run a real estate office. Parents who had spent much money on a boy badly crippled with infantile, finally

brought him to the School in despair. His health improved some and while a student-patient, he became interested in printing and learned the trade. Now he is the successful editor and manager of a small town newspaper, although still a cripple. Relatives of children reimburse the state for this hospital care if possible, otherwise the cities and towns pay for settled cases and the state for all others. There is an average census of nearly three hundred patients each year.

Massachusetts was again the first to make state provision for the care of juvenile offenders in a school or institution. Although it is against the policy of the commonwealth to segregate the normal child, the serious delinquent is still felt to be better off temporarily in a systematized place of training. This care is considered to be within the province of public welfare rather than of correction, therefore the three training schools are managed and supervised by the former department. The Lyman School for boys at Westborough is the oldest of the schools, and it is also the oldest in this country and probably in the world, being opened in 1848. This was originally for all boys from seven to seventeen, but now is for younger boys, its average age being about twelve, while another school, called the Industrial School for Boys, and situated at Shirley, has been opened for boys from fifteen to eighteen. In 1858 the State Industrial School for Girls at Lancaster was opened.

The principles of operation in all three schools

are the same. They are really industrial schools which aim at rehabilitation as soon as possible after the period of training and discipline is over. They are on the cottage plan and although strictly managed, furnish a boy or girl school and industrial education together with wholesome exercise and moral and religious training.

The court prodeedings against a child are not deemed criminal, the hearings are in the juvenile court, the interests of the child are protected by an agent of the department, and every consideration given to plans other than commitment to an industrial school. These commitments are for minority and as such are indeterminate. Just as soon as a boy or girl receives the training offered, and earns certain credits, he or she is paroled into the community in their own or foster homes, the majority free or wage, in the same fashion and with visitation similar to the other wards of the state who have not had this institutional experience.

The average population of the Lyman School is nearly five hundred while that of Shirley and Lancaster is about three hundred each, but these figures total over a thousand children who have misbehaved so badly that it is deemed unwise to give them probation or a trial in the custody of the division of child guardianship. Beside those actually in the schoold at any one time, there are some thirty three hundred more paroled and under super-

vision throughout the state.

While some of these juvenile offenders are recidivists and show up in later life in penal institutions, the majority profit by the routine of regular living, worthwhile occupation and better influences, and do well when again given a chance in a normal community.

There are five training schools for truants and school offenders maintained by the various counties, Essex, Hampden, Middlesex, Norfolk, Bristol and Plymouth Union, and Worcester. The total population for the last five years has averaged about three hundred boys yearly. Although the law provides that girls also may be sent to these schools, as a matter of fact it has been several years since a judge has seen fit to do so. The schools are supported by the counties but the Department of Public Welfare is obliged by law to visit and inspect them , and to make an annual report. Whether or not these truant schools should be continued or the children sent to the state industrial schools or put on probation, is a moot question. Perhaps it will be solved when some constructive suggestion can be offered as to the use to be made of the buildings and equipment already at hand.

III. Responsibility assumed by the Departments of Education, Health, Labor and Mental Diseases.

A. Department of Education.

As early as 1647 there was an act passed in the Massachusetts Bay Colony which required every town of fifty families or over to provide instruction in reading and writing for its children. From this early state concern for education, there has developed a department with adequate legislation and power to give ample opportunity for mental development to every boy and girl in the commonwealth, whether gifted, normal or handicapped. ¶ Children between the ages of seven and fourteen, and every child under sixteen with comparatively few exceptions, must attend a public or private but publicly approved, school during the entire time the public schools are in session. Children three or more years retarded are automatically examined by clinics maintained by the Department of Mental Diseases, and if there are ten or more such children, the city or town is required to provide a special class for them. In 1930 there were over eight thousand retarded children enrolled in classes, with nearly three thousand more who were backward for some cause or other which could be corrected, thus enabling this latter group to be transferred again to a regular grade. Although the path is clear, there are still some communities which have not availed themselves of this method of handling the problem of teaching dull children, but the number of classes is steadily increasing throughout the state. A problem of equal if not of more importance is the education of the gifted child, who is often as much of a misfit in the average classroom as is

the dullard. Less is heard of this group, but there are actually over three thousand pupils in classes for accelerated children, and much more should be done for this two per cent of our population who undoubtably will be the leaders of tomorrow. Under the department of education comes the requirement for physical examination and record in the school.

No state cares for its physically handicapped children better than Massachusetts. Mention has been made of the Hospital School for Crippled Children at Canton, which comes under the supervision of the Department of Public Welfare, but in addition to this, each city or town having at least five children so crippled that they cannot attend a school (and this number is formed by an annual required census) is obliged to employ a teacher to instruct these children in their homes. The main difference between the children sent to the Hospital School and those taught at home is the permancy of the handicap. The School is for long time cases, while the instruction given in the home often enables a child to go back to his regular grade when his physical condition has improved.

There is no state institution for the deaf or the blind, but the Department of Education pays a tuition rate in the very excellent private schools, or cooperates with the city in maintaining day classes for the deaf, and supervises the instruction given. There are nearly four hundred deaf pupils in the three

schools at Beverly, Randolph and Northampton, with over six hundred more in day classes in Boston, Lyman, New Bedford, Springfield and Worcester, and over one thousand children in classes for the hard-of -hearing.

Our one school for the blind is the world famous Perkins Institution, now situated in Watertown, and having beside its one hundred and sixty four Massachusetts pupils one hundred and four from other states and six from foreign countries. The same Dr. Samuel G. Howe who did such constructive work in the early days of organized state charity, was also interested in the education of the blind and in 1831 was appointed the first principal of the New England Asylum for the Blind since known as Perkins Institution. After visiting the leading institutions in Europe, he opened a school of six pupils in his father's house in Boston. The state advocates, and many communities provide sight saving classes for over four hundred pupils, and a further preventive measure, but one regulated by the Department of Public Health, is the compulsory prophylaxis of the eyes of new born infants.

State provision is made for the training of boys and girls in many different vocations in other places than the regular grammar and high schools. The Massachusetts Nautical School, the object being explained by its name, has been in successful operation for nearly forty years. These are three State Textile Schools situated in the main mill cities of the commonwealth, Lowell, Fall River and New Bedford. Agricultural Education is offered in four county schools and in fifteen high school departments, the state paying one half the cost of maintenance.

About thirty day trade schools are maintained by the cooperation of city or town and state, where thousands of boys and girls are trained and placed successfully in the particular work which interests them, and girls have a further opportunity of learning household arts in either independent all day schools or high school departments. Even the reading of our youth is supervised by the state, through its Division of Public Libraries of the Department of Education, and every effort made to constantly improve the standard of mental food which is offered our children.

B. Department of Public Health.

Children are more or less affected, of course, by everything that pertains to the health and general living conditions of adults or of the public as a whole, but several of the many activities of the Department of Public Health are especially for the benefit of children, namely the "ten year program" being carried out by the division of tuberculosis, the treating of children's diseases and the efforts to control epidemics under the division of communicable diseases, and the programs of health education sponsored by the division of child hygiene.

Due principally to the efforts of Dr. Henry D. Chadwick, an authority on tuberculosis, especially in children, there has been in operation since 1924 throughout the schools of Massachusetts, the Chadwick Clinic, which means that all children ten per cent or more under weight, or known to be tuberculosis contacts or suspects, and also any children with the written consent of parents

are examined thoroughly and given the Von Pirquet test. Arrangements are made for the hospitalization of active cases, the care at home of suspicious ones, and the instruction of child and mother in improved nutrition generally. As one of the workers has stated the "whole program is one of education"[1] and the object is expressed by another worker, a physician, who expects "to live to see the day when tuberculosis is virtually unknown among the children raised in the state of Massachusetts."[2]

The division of Communicable diseases gives advice and assistance to local boards of health in everything that relates to that type of disease, and organizes union health districts in rural areas. There is no state program similar to the ten year tuberculosis clinic, but rather this division tests, makes diagnoses and studies the problems of control, especially of the diseases typical of childhood. Through the Department of Health's division of biologic laboratories, quantities of vaccines and serums are distributed free.

No better example of educating the public is found than the work done by the division of child hygiene. Mothers' clubs and classes are formed and community maternity programs are stimulated. Through the schools, surveys are conducted and advice given to the

1. Erickson, Esther V. "Nutrition Work of the Ten Year Program." The Commonhealth Vol. 15 No. 4 Oct. Nov. Dec. 1928
2. Wakefield, Paul M.D. "The How and Why of the Chadwick Clinic." The Commonhealth Vol. 16 No. 3 July, Aug. Sept. 1929

local workers, such as the doctor, nurse, dental hygienist and so forth. Pamphlets on maternity, diet, school hygiene and health habits are distributed free of charge. One project in which the children are especially interested in May Day or Child Health Day, when food and health pageants are put on by the children in costumes furnished by the state, and children who have corrected their physical defects and brought their weight to within normal limits, may obtain state health tags.

C. Department of Labor and Industries.

This department is responsible for the laws regulating the hours and conditions of work of minors, as well as all other laborers. As a safeguard against infant and maternal mortality, no female person may knowingly be employed in laboring in a mercantile, manufacturing or mechanical establishment within two weeks before or four weeks after childbirth.

There are very explicit laws for bidding the employment of children under fourteen in factories, mercantile establishments and other places of business, but there is still legislation to be enacted to protect the child in "industrialized agriculture", as will be explained in the next chapter.

Many industries are closed to minors under sixteen because of the danger of accident or the severity of the work, and even between sixteen and eighteen there are many operations of machinery that are too hazardous for the adolescent and often unstable youth.

The hours of labor are regulated according to the age of the child and the type of work done. The laws pertaining to boys and girls selling papers and magazines or any other merchandise on the street are enforced by the local sxhool authorities. Girls under sixteen are excluded from employment in house to house canvassing and girls under eighteen from messenger service.

The minimum wage commission establishes rates of wages for minors, and at any time may inquire into the wages paid in any occupation where the majority of employees are children, and may after public hearings, determine new rates.

Under the division of industrial safety more and more protection is being given the juvenile worker, and in case of accident, the state endeavors to procure a reasonable adjustment.

D. Department of Mental Diseases.

The children's work of the department falls into two large divisions, mental deficiency and mental hygiene. The first, through the travelling clinics, carries on the examination of school children three or more years retarded. There are fifteen such clinics, one from each of the eleven hospitals for the insane, the three schools for the feebleminded and the hospital for epileptics at Monson. The feebleminded children who are known in this way, as well as all other recognized feebleminded persons in Massachusetts are registered in the central office. The schools for the feebleminded are primarily designed for children because their training is

so much more hopeful than that of adults. There were over four thousand patients in residence in the three schools on November 30, 1930, and while many of these have long passed their majority in actual years, some having in fact lived a life time in the institutions, by far the largest percent of the three thousand feebleminded people on the waiting lists are under twenty one. There is dire need for a fourth institution and for enlarged facilities at Waverley, Wrentham and Belchertown. The early care and training of the feebleminded is their only salvation. Nursery buildings are now being built in connection with the schools to try out this theory even more thoroughly. The oldest and widest known of our schools is the one fostered by the same Dr. Samuel G. Howe, who was mentioned before in connection with the work of public welfare and the education of the blind. This institution at Waverley had Dr. Walter E. Fernald as its superintendent for nearly forty years, and has recently been named in honor of him.

The division of mental hygiene conducts clinics for children with undesirable habits, personality defects and delinquent trends, thereby hoping to prevent a more serious development of difficulties. Some of these clinics are held in connection with the school systems or with a local hospital, but it is the policy of the department of mental diseases to make the state hospitals the center of all psychiatric activities.

This division also has an educational program of training medical students in psychiatry, which should work to advantage for all children treated from a medical point of view.

Various pieces of research are constantly being done in connection with the habit and child guidance clinics. Mental hygiene is a comparatively new field but a splendid start has been made in Massachusetts, which will undoubtably bring beneficial results to our children of the future.

Chapter IV House Document 1200.

A. Governor Allen's Recommendations in 1929.

Ex-Governor Allen's address[1] to the two branches of the Legislature in January 1929 contained some very definite ideas concerning the public welfare, especially relative to children. He recommended that the Department of Public Welfare be authorized to make a survey of the whole state as a means of determining the number of crippled children in need of care and training. The result of this report was the passage of a law by the General Court of 1930 requiring an annual census of crippled children and the further provision of home instruction in any city or town where there are five such children. This has been explained in Chapter III Part A.

The governor's recommendation which took the least space in print but which resulted in the largest piece of constructive work was undoubtably his suggestion that the general court provide for a revision of the laws relative to the welfare of children. Following this recommendation a special unpaid commission was created in 1929 to make the investigation. The commission consisted of the commissioner of public welfare Mr. Richard K. Conant, the commissioner of mental diseases Dr. George M. Kline, the deputy probation commissioner Mr. Herbert C. Parsons, and two other men appointed by the Governor, namely Rev. George P. O'Conor, prominent in Catholic charities and Mr. Theodore A. Lothrop

1. Allen, Frank G. Address to the Two Branches of the Legislature of Massachusetts January 3, 1929 Senate No.1

executive secretary of the Society for the Prevention of Cruelty to Children and also chairman of the commission. Their unanimous report was made to the Senate and House of Representatives in December 1930, and is commonly known as House Bill 1200[1].

Some of the recommendations made pertain merely to technicalities, the abolition of obsolete phrases, the clarifying of certain overlapping points, and so on, and such bills will not be considered here. Many proposed changes, however, definitely affect the actual welfare of children and will be briefly summarized, being divided into two groups, those which were enacted by the legislature of 1931, and those which were lost.

B. Bills Enacted

1) By far the most important enactment and one which has necessitated the creat ion of an entirely new subdivision of five workers in the state division of child guardianship is that relative to adoptions. Although Massachusetts was the first state to provide for legal adoption (in 1851) she has been a laggard in really protecting the child adopted and also the adoptive parents.

At least one thousand adoptions take place in the state yearly and more than half of them were formerly granted the day the petition was filed. It was only necessary that a person over twenty one years of age go before the judge of a probate court with a child and ask that he or she be made the legal parent. Although

1. Report of Special Commission established to Investigate Laws Relative to Dependent, Delinquent and Neglected Children. January 1931

the judge might investigate, he very seldom did.

An illustration of the inadvisability of this method is the case of an Italian woman who, with her husband, took an infant to court asking the privilege of adopting the child. After the adoption was granted it was learned that five children born to these people had been committed to the state division of child guardianship through the neglect law. The oldest girl, thirteen years of age had been arrested with the mother in a department store for shoplifting and committed to the division as a delinquent and later transferred to the Industrial School for Girls because of continued misbehavior. The mother was felt to be mentally deficient, the home filthy and the father making only a meager living as a barber. Later the mother met an unfortunate girl with an illegitmate baby and having "no cares" had agreed to relieve her of her responsibility.

Now a thorough investigation is made by a trained worker not only of the petitioners' character, financial standing and home conditions, but of the child and its antecedents. It is required that the child have a six months' trial residence in the home before the adoption is granted, unless the court has good cause to make an exception. As much care is taken to ascertain if the child is "fit and proper" for adoption as that the petitioners and their home are suitable. A great deal of tact is used in making these investigations that the petitioners' private affairs are not made public. The records are kept under lock and key

and are accessible to no one except the "parties concerned." Everything is done, however, to obtain all the facts, that a child in the future, if he so wishes, may identify himself. Adoption is a serious step and should be given careful study. We are dealing with human souls and more than one life is affected when we change their course. As the law went into practice only in June 1931 there has not been time to know what the effects will be. The workers are sure however that their work is justified.

2) It has been customary to advertise children offered or wanted for adoption in the newspaper along with advertisements for animals, quack cures or furniture. A separate bill, but one closely related to the adoption law was passed necessitating the approval of the Department of Public Welfare before an advertisement can be published. The policy of the department is to disallow the publication. This will, in time, call to the attention of the state more and more the problem of illegitimacy. Although a quarter of the children in the care of the state in the division of child guardianship are illegitimate there have been other contributing factors which made it seem wise for the state to assume the custody of such children. It has not been customary to take children for illegitimacy alone, but now this will undoubtably be advisable, as the law has been so tightened that undesirable disposal of them will be more and more difficult. There are many people in the world like the cow-bird which makes no provision for its young. It builds no home of its own but lays its eggs in another birds' nest and expects some foster mother to rear its babies.

3) A bill of prevention rather than cure is one requiring that an agency or person in another state which places a child in some foster home in Massachusetts report the fact to the department of public welfare and file a bond to protect the commonwealth in case the child becomes a public charge during its minority. This is another measure to insure the state knowledge of every dependent child within its territory. One case which has come to the attention of the authorities recently is that of a colored girl of twelve who was brought up from an orphan asylum in Georgia this winter. The foster mother is childless and on her biennial trip to her home, was attracted to this girl because of her affectionate attitude and apparent lack of care in spite of the fact that the woman was told that the girl lied, was dishonest and mentally unbalanced. The girl will be returned to Georgia and without doubt she will have to be cared for permanently in an institution for her own protection, but fortunately it will not be in Massachusetts.

4) The mother's aid work has been broadened by allowing help to be given for children up to the age of sixteen, so that they may continue to receive advanced education if desirable, The former law limited the benefits to children under fourteen or to those children between fourteen and sixteen when they were required by law to attend school.

5) Several improvements have been made relative to delinquent children. Sometimes such children were so unfortunate as to

have no parent sufficiently interested to attend their court hearing if not summoned and the law provided for summoning only such parent as resided in the town where the child was found. This has been extended to the parent where ever he is known to reside within the commonwealth.

6) It has also been required that all hearings of juvenile cases shall be private, and the general public is now excluded.

7) Much hardship has been suffered both by the children and by the authorities because of the law which enabled delinquent children from fourteen to sixteen, held temporarily for examination, trial, or appeal, to be committed to jail. The commission found that in 1929 three hundred and nineteen boys and twenty seven girls were kept in jail for periods varying from one to one hundred and six days. A bill was passed removing the age limit of fourteen years, and permitting children up to seventeen (the delinquency age) to be committed for detention care to the department of public welfare, subject to the department's consent for all children over fourteen.

8) As the purpose of the juvenile court is treatment and restitution of the individual to society rather than punishment, it is advisable that everything be known about a child before judgment is given. As a helpful measure to this end, the court is now required to cause a thorough physical and mental examination to be made prior to commitment to any public institution or th the department. The mental examination is given under regulations

prescribed by the department of mental diseases, and it has worked out that the various state schools and hospitals have been assigned certain districts. It is too early to say whether the results of the examinations have influenced the judges to make one disposal rather than another, but at least a body of information will be collected which may change to a marked degree our present care of the delinquent child.

9) The most important measure passed in the field of the mentally handicapped provides that a feebleminded person under commitment to an institution for the feebleminded or for mental defectives, or to the custody of the department of mental diseases shall be incapable of contracting marriage. Whether this can really be carried out or not remains to be seen.

10) A bill which will improve the helpfulness of the mental examination of school children extends the service, upon the request of the superintendent of schools, to any child appearing to be mentally retarded.

11) Although illegitimacy has been mentioned as figuring so strongly in the matter of adoptions, the commission considered still another phase of the problem. Nearly two and one half percent of the children born in Massachusetts are illegitimate and the infant mortality rate among them is more than twice that in the state at large. The most important bill proposed relative to

illegitimacy was lost, but some protection was given the unfortunate mother and child by changing the wording of the law regulating the licensing of the lying-in hospital by the department so that more supervision may be given to any hospital or place connected in any way with the matter of maternity, whether before, during, or after the birth of the child.

12) Illegitimate children who have been adopted and therefore have acquired new names can now obtain a birth certificate with simply the legal name and no reference to illegitimacy.

13) The average person would be amazed to know that Massachusetts still holds to the Roman idea that boys of fourteen and girls of twelve may legally contract marriage. The state has, to be sure, enacted regulatory laws to restrice this practice, but there are still too many child marriages. The four proposals of further prevention were all enacted which makes one wonder if the time was not ripe for the law to be changed entirely. Certainly with all that Massachusetts can be proud of in the care of her children, she has been very remiss in this respect. However, the regulations passed will make some improvement, and further legislation will surely come in the future. Written notice of intention of marriage must be secured by the city or town clerk, also proof of age of a male under twenty one or a female under eighteen, or if there is reasonable doubt that either one has reached that age. A guardian, if appointed because of the unfitness of the parent, must give consent

to the marriage of a minor rather than the parent, and a parent or guardian has a right to withdraw consent between the filing of the intention of marriage and the issuing of the certificate.

C. Bills lost.

The work still to be accomplished by legislation in Massachusetts can be reviewed by briefly summarizing the bills lost in this drive of 1930.

1) The law now provides that notice shall be given to the department of public welfare of any child under two placed for compensation with any person not a relative. The commission felt that many children over this age, and placed even without compensation needed supervision and so proposed to extend the law to the age of seven, the placement with or without pay, but the bill was lost.

2) It will be remembered (Chapter 11 Part A.2) that a neglected child is one "by reason of orphanage, or of the neglect, crime, cruelty, insanity or drunkenness"etc. Very commonly children suffer severe neglect because their parents are feebleminded, and an effort was made to omit the word"insanity" and substitute"mental disorder or defect."

3) As the law is now administered the complaint of neglect is made against the child in the Bostoh Juvenile or other district court, and sometimes but not always, it is followed by a complaint against

the parent in another court. To prevent the waste of two hearings on practically the same case, and to prevent embarrassment, it was thought wise to have the parents' case also heard in the juvenile session of the court. This would, undoubtably, because it could be managed more easily, increase the number of cases against the parents and thus place the blame and responsibility where it belongs, on the parents rather than the children.

Many important measures relative to the care of delinquent children were lost.

4) The juvenile age is now considered to end on the seventeenth birthday and any boy or girl thereafter is treated as a criminal. It is true that boys of eighteen, although their cases are heard in the criminal courts, are sent to the Industrial School for Boys at Shirley rather than to the Concord Reformatory, but with girls, there has been no place for them after their seventeenth birthday other than the Reformatory for Women at Sherborn. This is the only woman's prison in the state and of course houses the murderer and the worst type of criminal. It was proposed and lost that the juvenile age be raised to eighteen and that girls up to that age be sent to the Industrial School at Lancaster.

5) Another uncorrected evil is the newspaper publicity which is still allowed in the cases in which juvenile offenders figure.

6) A girl should be further protected by being accompanied by

woman attendant, if no male relative is available, when committed to Lancaster or Sherborn.

7) It would be very beneficial to have enacted the bill requiring each district court serving a population over twenty five thousand to have a special probation officer for juveniles and to combine courts of smaller communities for the same purpose.

8) Perhaps the one measure which would solve more family problems than any other, is the proposed one of specialized courts, which would have jurisdiction of all cases involving marriage and divorce, wife and family desertion, custody and care of children, adoption, delinquency and so on, namely the establishment of a system of circuit juvenile courts with special medical psychological and psychiatric service.

Although much illegitimacy will come to t e attention of the department of public welfare by the operation of the adoption law, as has been mentioned, two measures intending to give the department further knowledge were lost.

9) One was to empower the department to inquire concerning the circumstances of any illegitimate child coming to its attention and to promote in every way the rights and interests of the child andits mother.

10) Another suggestion was to require maternity hospitals to give

the department notice of the birth of every illegitimate child therein.

11) Strange to say, the three bills relative to child labor were all lost. People who are indignant over the employment of little children in foreign countries might be surprised to know that in our own progressive state and in Connecticut, the United States Department of Labor, in 1922 thought it wise to make a study of "Child Labor in Representative Tobacco-Growing Areas." Of over three hundred children on Massachusetts farms," one third were from twelve to fourteen, one fifth were between ten and twelve and about one tenth were under ten years of age. Three fifths were boys."[1] Nearly all the children had worked at least eight hours daily, in very fatiguing position, in the height of summer heat, with a close atmosphere due to cloth covering the tobacco, and with a sickening odor in addition. In spite of these facts, a bill was lost attempting to regulate this by prohibiting the employment of minors under fourteen with the limitation of a forty eight hour week in an "industrialized agricultural establishment."

Regulations regarding the issuance of employment certificates whereby the age and physical and mental fitness of the child would be assured, were also lost.

Of the sixty bills recommended by the commission, thirty

1. House Document 1200. P. 105

two were enacted. The work of the commission was undertaken not because of any public scandal which should be investigated, but rather because intelligent people realized that a state with standards in general as high as those of Massachusetts needed to keep up with advancing criteria.

"Progress is
The law of life: man is not Man as yet."

Chapter V. The Washington Conferences, and the Present Aims In Massachusetts.

Because of the failure of individual parents and because of the increasing complexity of modern life, it has been more and more necessary for organized government, city , county, state and federal, to set standards, to give superfision and to actually do the work in the various phases of child care. The Washington Conferences which have been occasionslly referred to are those studies made by experts who have been called together from time to time by various Presidents of the United States. The real object of all of the conferences was expressed by President Hoover at the last one in 1930:

"If we could have but one generation of properly born, trained, educated and healthy children, a thousand other problems of government would vanish."[1]

A. /The First Conference 1909.[2]

President Roosevelt,that great exponent of family life, at the request of a small group of leaders in social work, called about two hundred men and women from nearly every state in the Union, people actively engaged in children's work and representing all the leading religious bodies, to confer on the care of dependent children. This established a precedent which has been followed at about ten year periods. The keynote of this first conference was that poverty alone should not break up the home, and that when

1. Hoover, President Herbert. White House Conference 1930 P.7

2. Proceedings of the Conference on the care of dependent children

as a last resort children must be removed from their own home, they should be put in a foster home if possible rather than in an institution.

Fourteen resolutions relative to child care were adopted and have been reaffirmed unanimously at both succeeding conferences. Within the limits of child dependency, these points are absolutely sound and are so ideal that they have not yet been entirely accomplished.

Briefly they are as follows:[1]

"1. Home Care. Children of worthy parents or deserving mothers should, as a rule, be kept with their parents at home.

2. Preventive work. The effort should be made to eradicate causes of dependency, such as disease and accident, and to substitute compensation and insurance for relief.

3. Home finding. Homeless and neglected children, if normal, should be cared for in families, when practicable.

4. Cottage system. Institutions should be on the cottage plan with small units, as far as possible.

5. Incorporation. Agencies caring for dependent children should be incorporated, on approval of a suitable state board.

1. Proceedings of the Conference on the Care of Dependent Children 1909 P. 6

7. Inspection of educational work. Educational work of institutions and agencies caring for dependent children should be supervised by state educational authorities.

8. Facts and records. Complete histories of dependent children and their parents, based on personal investigation and supervision, should be recorded for guidance of child-caring agencies.

9. Physical care. Every needy child should receive the best medical and surgical attention and be instructed in health and hygiene.

10. Cooperation. Local child-caring agencies should cooperate and establish joint bureaus of information.

11. Undesirable legislation. Prohibitive legislation against transfer of dependent children between states should be repealed.

12. Permanent organization. A permanent organization for work along the lines of these resolutions is desirable.

13. Federal children's bureau. Establishment of a federal children's bureau is desirable, and enactment of pending bill is earnestly recommended.

14. Suggests special message to Congress favoring federal children's bureau and other legislation applying above principles to District of Columbia and other federal territory."

These two last recommendations definitely precipitated the establishment of the United States Children's Bureau in 1912, with Miss Julia Lathrop as its first chief. She has been since succeeded by Miss Grace Abbott. The function of the Bureau is research, popular education, administration, and cooperation with local agencies in all work relative to th care of children.

Another country wide result of the Conference was the legislation which rapidly followed in so many states subsidizing the mother with her children and thereby building up rather than breaking up the home.

B. The Second Conference 1919.[1]

At the close of the World War, President Wilson requested the Secretary of Labor in whose department the Federal Children's Bureau had been placed, to call a conference on the Minimum standards of Child Welfare. This was held in May, 1919 and was attended by many more interested experts than convened in 1909, including representatives from six foreign countries. The Conference was divided into three sections; considering 1) Child labor and education; 2) public protection of the health of mothers and children; 3) children in need of special care. Sets of standards in all these fields were proposed and adopted.

The outstanding result of this conference was the passage of the Sheppard-Towner Act, which safeguards the prospective mother and thereby reduces her mortality rate as well as that of infants.

1. Minimum standards for child welfare.

C. The Third Conference 1930 [1]

When the time drew near for the third conference, the work had increased so such proportions that sixteen months before the actual date of convening, President Hoover sent out the call: " to study the present status of the health and well-being of the children of the United States and its possessions; to report what is being done: to recommend what ought to be done and how to do it " A committee of a few representative men and women under the chairmanship of Dr. Ray Lyman Wilbur, Secretary of the Interior, enlarged themselves until there were twelve hundred people working for over a year to collect knowledge and experience for this last conference on Child Health and Protection; to which about three thousand people came in November 1930. The findings of the conference were epitomized in what is known as the Children's Charter: aims for the children of America, quoted in full: [2]

"1. For every child spiritual and moral training to help him to stand firm under the pressure of life.

11. For every child understanding and the guarding of his personality as his most precious right.

111. For every child a home and that love and security which a home provides; and for that child who must receive foster care, the nearest substitute for his own home.

1V. For every child full preparation for his birth, his mother receiving prenatal, natal, and postnatal care; and the establishment of such protective measures as will make childbearing safe.

V. For every chi ld health protection from birth through adolescence, including: periodical health examinations and, where

1. Whitehouse Conference

2. Ibid P. 46-48

needed, care of specialists and hospital treatment; regular dental examinations and care of the teeth; protective and preventive measures against communicable diseases; the insuring of pure food, pure milk, and pure water.

Vl. For every child from birth through adolescence, promotion of health, including health instruction and a health program, wholesome phydical and mental recreation, with teachers and leaders adequately trained.

Vll. For every child a dwelling-place safe, sanitary, and wholesome, with reasonable provisions for privacy; free from conditions which tend to thwart his development; and a home environment harmonious and enriching.

Vlll. For every child a school which is safe from hazards sanitary, properly equipped, lighted, and ventilated,. For younger children nursery schools and kindergartens to supplement home care.

lX. For every child a community which recognizes and plans for his needs, protects him against physical dangers, moral hazards and disease; provides him with safe and wholesome places for play and recreation; and makes provision for his cultural and social needs.

X. For every child an education which, through the discovery and development of his individual abilities, prepares him for life; and through training and vocational guidance prepares him for a living which will yield him the maximum of satisfaction.

Xl. For every child such teaching and training as will prepare him for successful parenthood, home-making, and the rights of citizenship; and, for parents, supplementary training to fit them

to deal wisely with the problems of parenthood,

XII. For every child education for safety and protection against accidents to which modern conditions subject him-- those to which he is directly exposed and those which, through loss or maiming of his parents, affect him indirectly.

XIII. For every child who is blind, deaf, crippled, or otherwise physically handicapped, and for the child who is mentally handicapped, such measures as will early discover and diagnose his handicap, provide care and treatment, and so train him that he may become an asset to society rather than a liability. Expenses of these services should be borne publicly where they cannot be privately met.

XIV. For every child who is in conflict with society the right to be dealt with intelligently as society's charge, not society's outcast; with the home, the school, the church, the court and the institution when needed, shaped to return him whenever possible to the normal stream of life.

XV. For every child the right to grow up in a family with an adequate standard of living and the security of a stable income as the surest safeguard against social handicaps.

XVI. For every child protection against labor that stunts growth, either physical or mental, that limits education, that deprives children of the right of comradeship, of play, and of joy.

XVII. For every rural child as satisfactory schooling and health services as for the city child, and an extension to rural families of social, recreational, and cultural facilities.

XVlll. To supplement the home and the school in the training of youth, and to return to them those interests of which modern life tends to cheat children, every stimulation and encouragement should be given to the extension and development of the voluntary youth organizations.

XIX. To make everywhere available these minimum protections of the health and welfare of children, there should be a district, county, or community organization for health, education, and welfare, with full-time officials, coordinating with a state-wide program which will be responsive to a nation-wide service of general information, statistics, and scientific research. This should include:

a) Trained, full-time public health officials, with public health nurses, sanitary inspection, and laboratory workers.

b) Available hospital beds.

c) Full-time public welfare service for the relief, aid, and guidance of children in special need due to poverty misfortune, or behavior difficulties, and for the protection of children from abuse, neglect, exploitation, or moral hazard.

FOR EVERY CHILD THESE RIGHTS, REGARDLESS OF RACE, OR COLOR, OR SITUATION, WHEREVER HE MAY LIVE UNDER THE PROTECTION OF THE AMERICAN FLAG.

It is too early to report any outstanding result as it was possible to do of the first two conferences. It must be remembered in relation to these conference standards, that they are meant for the whole of the United States, and that although many "outstanding" communities can show a program equal or superior in most

respects to these ideals, many isolated sections have hardly made a beginning. One of the purpose s of this national consideration from time to time is that there should be an equalization of care and opportunity and that the strong may in some way help the weak. Possibly the major result of the last conference will be just this thing, to gradually educate all the prople to accept these standards which have now been proposed for twenty years, but which have been put into practice only imperfectly;

The conference of 1930 took place before the Massachusetts special commission appointed by Governor Allen (Chapter lV) had completed its work. They tested their recommendations by the conference standards and felt that in so far as legislation was concenned their ideals were similar.

D. Present Aims in Massachusetts.

Although Massachusetts has been mentioned many times throughout this paper as being a pioneer in this or that desirable method of child care it would not do to leave the impression that the goal has been attained. When and how are we going to attack the problem of the prevention of dependency rather than devising such excellent, but expensive methods of after care?

To go back to the recommendations made by the Special Commission, we remember that there are still important changes to be made in Massachusetts relative to the care of the illegitimate, the neglected and delinquent child and also to give all children further protection in the field of labor. Aside from the proposed legislation which failed this last year but which will undoubtedly be

brought before the legislature at another time, each state department has many ideas which they hope some day to put into effect.

Unquestionably throughout our school systems there should be more consideration given the average child, by training him in the practical arts and adapting the academic subjects more to his understanding. Much more can be done in vocational guidance, but both these things must be started with a child's school career rather than when he is ready to leave school, if any good is to be accomplished.

There should be more adequate institutional provision for the training of the feebleminded child, and some state hospital should open the door of one of its wards, at least, to children with a psychosis or with encephalitis lethargica, making a definite children's unit rather than forcing such an unfortunate child to mingle with the adult insane.

The greatest responsibility of the state "in loco parentis" belongs where we started, with the department of public welfare. Many of us hope to see the day when there will be maintained a receiving home for scientific care and study of the child before placement;- an institution, if you will, but one of such a temporary nature that it will in no way contradict Massachusetts' ideal of foster home care for every normal child. A second institution which is much needed is a separate place, other than Lancaster, for the younger delinquent girl, possibly a place where a child could be sent with less court action than is now necessary for commitment to the Industrial School. This will be especially desirable when the Lancaster age of admission is raised to eighteen. The districting of the state for the better administration of all work pertaining to the department and the better coordination of

public and private charity is an ideal proposed but not yet put in practice. This with the increased power of supervision of private charities by state specialists will tend to render better service throughout the Commonwealth.

"What the best and wisest parent wants for his child, that must the community want for all its children."[1]

1. Dewey, John.

"In Loco Parentis-"

Summary.

Chapter 1.

A. Meaning of the Title-

Because of the failure of individuals, families, and communities to fulfil their obligations to themselves and to others it has become necessary for the state to assume responsibilities for its dependents. This paper is the story of how the Commonwealth of Massachusetts stands "inloco parentis" to its children, both in actual care and in supervision.

B. The Beginnings of Dependency in Massachusetts.-

The early settlers in Massachusetts were determined that there should be no voluntary poverty in their new country, and made every effort to prevent it, but of course that was impossible, and as dependency increased, the obligation of support was put on the community where the person resided. This resulted in the municipal almshouse and in state almshouses for those without a legal redidence. For over two hundred years there was no separate provision for the care of dependent children but in 1872 this evil was corrected and the children were all put in the State Primary School at Monson. From then on there was quite rapid progress and the placing out system was well developed in the state.

Chapter 11. The Present Work of the State Department of Public Welfare.

A. Classification.

The state stands "in loco parentis" to about 6500 children who have come into the care of the department because of dependency, or of the neglect, of their parents, or because of the child's own delinquency. The incapacity of the mother, either physical or mental, is responsible for most of the dependency, while neglect always implies the culpability of the parent. The main causes of neglect are immorality, intemperance or desertion, usually in combination, or one of these things together with the mental defect of a parent. The delinquent child, although he has done something for which he is brought to court, has usually come from a home containing the elements of dependency or neglect.

B. Foster Home Care. -

Believing that the foster home has the best substitute for the natural home, Massachusetts was the first state to begin this system of care. The first years of placing out made a marked decrease in the death rate of infants.

The laws and policies developed in placing out provide that a child be brought up in his own religion, that families of children be kept together when possible, that unrelated boys and girls are not placed in the same home, and that girls are not placed where there is an older boy or unmarried man.

Children are classified according to age - up to three years they are in the infant department; from three to twelve in the boarded children's division; and from twelve to twenty one

in the older boys or older girls group. At the age of fourteen an attempt is made to place a child in a part free, free or wage home.

The visitor's responsibility in this foster home care is very great. He or she must either do or supervise the doing of everything of which a child may have need.

A special adoption agent visits that small selected group of wards who are placed on trial for adoption. More and more care is taken that there shall be no mistake on either side when this serious responsibility is assumed.

The foster home must conform to certain standards of a sound economic basis and cleanliness, together with a suitable type of personality on the part of the foster parents. The material conditions of the home must be satisfactory although one home differs from another, and much consideration must be given to the advantages a child may gain through the home, and the neighborhood in its schools, churches and other activities. The personality of the various members of the family and the reasons for taking a child are very important.

Foster home care is considered superior to institutional care because it is more normal and gives the child the better opportunity for the development of his personality. A foster home system, and especially in a state program can be run very economically.

C. Mother's Aid.-

The plan of state subsidy given to worthy mothers was put into operation in Massachusetts in 1913, and works very well. A mother must be worthy and in need and have children under fourteen, and the aid given is supposed to be adequate to a suitable standard of living. Although all cases are first handled through the

local board of public welfare, the state pays one third of the bills of settled and the whole of unsettled cases.

D. Laws regarding the care and protection of children.

There are very special laws for the protection of children under two, living away from their own parents, and the state agent may remove a child up to the age of seven, if it is believed he is improperly cared for away from his parents. The department workers visit yearly every child boarded by a city or town.

E. Supervision of Private Charities.

The subdivision of private incorporated charities investigates all applications for incorporations, obtains an annual financial return of every charitable corporation and inspects such societies as request or give their consent to this service. Through the work of this subdivision, individual charities may be improved and through public and private cooperation, better service may be rendered to all those who are in need.

F. Institutions provided for Crippled and Delinquent children

The department maintains a hospital school for crippled children at Canton, and three Industrial Schools, one for younger boys at Westboro, one for older boys at Shirley and one for girls at Lancaster. These institutions are all on the cottage system and maintain an excellent standard of care and training.

Chapter 111. Responsibility assumed by the Deparements of Education, Health, Labor and Mental Diseases.

A. Department of Education.-

The state compels every child between the ages of

seven and fourteen, and every child under si xteen with comparatively few exceptions, to attend school, either public, or private but publicly approved. Children three or more years retarded are examined by the department of mental diseases and special classes are provided for those found to be feeble minded. There are also some classes for accelerated children.

Beside the provision made for crippled children at the State Hospital School, the law stipulated that each city or town having at least five children so crippled that they cannot attend a school, is obliged to employ a teacher for instruction in the homes. The state cares for its deaf and blind by paying tuition for such children in excellent private schools, or, in the case of some of the deaf, cooperating with the city in maintaining day classes.

Vocational training is given in many different ways,- through the nautical school, three textile schools, four county agricultural schools and agricultural departments in fifteen high schools.

The division of public libraries is working constantly to improve the standard of reading material which is offered our youth.

B. Department of Public Health.-

One of the most important definite programs of this department is the Chadwick clinic, which provides for the examination of all school children ten percent or more under weight or known to be tuberculosis contacts or suspects.

The division of communicable diseases gives advice and

assistance to local boards of health, and organizes union health districts in rural areas.

Mothers and children are educated in the principles of good diet and health through the activities of the division of child hygiene.

C. Department of Labor and Industries.

Hours and condition of labor and rates of wages for children are regulated in this department, and in the division of industrial safety a reasonable adjustment is made in the case of accident.

D. Department of Mental Diseases.-

The division of mental deficiency carries on the regular examination of retarded school children through the travelling clinics of the fifteen state hospitals and schools for the feeble minded.

Preventive work is being done by the division of mental hygiene in clinics for children with undesirable habits, personality defects and delinquent trends. The division also cooperates with medical schools in a program of psychiatric training for the students and supervises various pieces of research work in connection with the child guidance clinics.

Chapter IV. House Document 1200.

A. Ex-Governor Allen's Address.-

Ex-Governor Allen recommended that the department of public welfare make a state survey to determine the number of

crippled children, which resulted in the passage of a law requiring an annual census, and the further provision of home instruction in those places where there were five or more such children.

The most important recommendation made by Governor Allen resulted in the appointment of an unpaid commission which began in 1929 to investigate all the laws relative to the welfare of children. Their report was made to the Senate and House of Representatives in December 1930 and is known as House Bill 1200

A. Bills Enacted.-

Bills were enacted providing that the division of child guardianship investigate all applications for adoption, about one thousand cases a year, and forbidding the advertisement of children for adoption without the consent of the department. It is now against the law for any one to place a child in a foster home in Massachusetts without filing a bond to protect the Commonwealth from future liability.

Improvements were made in handling cases of delinquency by providing that a parent be summoned if he is known to reside in the commonwealth and also requiring that all juvenile hearings be private. A bill was passed allowing children up to the age of seventeen to be temporarily committed to the department for detention care, rather than sending these between fourteen and seventeen to jail. The court is now required to cause a thorough physical and mental examination of every child adjudged delinquent before commitment to any public institution or to the department.

Feeble minded persons under commitment to an institution or in the dustody of the department of mental diseases shall be incapable of contracting marriage. The law regarding the licensing of lying in hospitals was made more explicit for the better protection of mother and child. The feelings of the illegitimate child are now safe guarded by allowing a birth certificate to be issued without any reference to illegitimacy.

Although boys of fourteen and girls of twelve are still legally allowed to contract marriage in Massachusetts there are many restrictions, and the commission succeeded in tightening the strings still more, by requiring that written notice of intention of marriage be obtained by the city clerk, and in some circumstances proof of age. A guardian or parent has the right to withdraw consent once given, between the filing of the intention and the issuing of the certificate.

C. Bills Lost.-

A bill extending to seven the age when notice shall be given the department of any child placed for compensation with any person not a relative was lost. Feeling that feeble mindedness as well as insanity is often a cause of parents neglecting their children an attempt was made to change the wording of the law by substituting "mental disorder or defect" for "insanity ".

To enable an easier prosecution of the parents in neglect cases, the commission recommended thatthey be tried in the juvenile session rather than in another court, thus saving duplication.

All social workers regret that the bill raising the delinquent age limit from seventeen to eighteen was lost. Another uncorrected evil is the newspaper publicity which is still allowed in the cases in which juvenile offenders figure. Bills providing for more special probation officers for juveniles and for the establishment of a system of circuit juvenile courts, were also lost.

The commission attempted to further safeguard the illegitimate child by empowering the department to inquire concerning the circumstances of every one coming to its attention, and also requiring maternity hospitals to give the department notice of the birth of every illegitimate child therein.

The labor bills were all lost and an attempt should again be made to regulate children's work in an "industrialized agricultural establishment."

Of the sixty bills recommended by the Commission, thirty two were enacted.

Chapter V. The Washington Conferences and the Present Aims in Massachusetts.

A. The First Conferenct 1909.

In 1909 President Roosevelt called about two hundred experts in children's work to confer on the Care of Dependent Children. Fourteen resolutions were adopted and have been reaffirmed unanimously at both succeeding conferences. The keynote of the conference was that children should be removed from their own homes only as a last resort and that in the event of removal they should be placed in foster homes rather than in institutions.

Recommendations were also made for cooperation between private agencies and supervision of the same by the state. The most concrete results of the conference were the accomplishment of the recommendation that a Federal Children's Bureau be established, and the country wide provisions for mother's aid.

B. The Second Conference 1919.-

At the close of the world war, President Wilson requested the Secretary of Labor to call a conference on the Minimum Standards of Child Welfare,. Standards were recommended for child labor and education; public protedtion of the health of mothers and children; children in need of special care. The outstanding result of this conference was the passage of the Sheppard-Towner Act which safeguards the prospective mother and thereby reduces her mortality rate as well as that of infants.

C. The Third Conference 1930.-

To show the growth of an idea in twenty years, this conference was preceeded by a sixteen months' study made by a committee of twelve hundred specialists all over the United States. Facts and experiences were then presented at the conference to which about three thousand people, as against the original two hundred, came. The results of the meetings were epitomized in ninteen aims for the children of America, known as the Children's Charter, quoted in full in the original paper.

The major result of this last conference may possibly be the gradual education of all the prople to accept these standards

which have now been proposed for twenty years, but which have not yet been universally applied.

D. Present Aims in Massachusetts.

The work of child care in Massachusetts is not yet perfected and all of the bills lost in 1930 should again be brought before the legislature.

Aside from this there is more work to be done for the benefit of children in each of the departments mentioned. The school system falls far short of meeting the needs of the average child. Much more should be done in the way of vocational guidance and industrial training.

There should be more institutional provision for the care of the feeble minded and special consideration in some state hospital to the problem of encephalitis lethargica.

The greatest responsiblility of the state "in loco parentis" falls back on the department of public welfare. A need is felt for a receiving home for scientific care and study of the child before placement, and a second institution for the younger delinquent girl.

The Districting of the state for the better administration of all work pertaining to the department and the better coordination of public and private charity is an ideal proposed but not yet put in practice.

"What the best and wisest parent wants for his child, that must the community want for all its children."

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